

REMARKS

Claims 33-36 and 38-48 are pending. Applicants note with appreciation the indication that claims 33-36 and 38-41 are allowed.

The Examiner rejected claims 42-48 under 35 USC § 103(a) as being unpatentable over Zhong (6,048,620) alone, stating in the Response to Arguments section that, with regards to the rejection of claim 42, the language of the claims does not preclude the use or the presence of a polyfunctional crosslinking agent, and hence does not recite a structurally different structure, so that the Examiner recommends amending the language of the claims to recite a structure distinct from the one taught by Zhong (Applicants having argued that the plasma polymerization process provides the energy required to produce the polymerized acrylic acid film which covalently bonds to the substrate/first layer without requiring a polyfunctional crosslinking agent as used by Zhong).

Applicants have amended claims 42 and 43 to require that the film of plasma polymerized acrylic acid has a degree of crosslinking which is less than about 5%. Support for the amendment can be found in paragraph [0007] of Applicant's specification, which discloses that "[i]n one embodiment, the degree of crosslinking in the plasma polymerized film is less than about 5%". In contrast, Zhong discloses that the first coating/layer (which the Examiner takes as being the covalently bonded functionality of the claimed invention) is substantially crosslinked prior to the application of the second polymeric coating/layer, and that the amount of crosslinking agent used in the first coating must be sufficient such that enough functional groups are present to substantially crosslink the first polymeric coating so that enough unreacted crosslinking

agent functional groups remain to covalently bond to the second hydrophilic layer (see Zhong, col. 3, lines 42-45 and col. 6, lines 17-21).

While the terminology “substantially crosslinked” is not quantified in Zhong in terms of a percentage degree of crosslinking, it is clear from Zhong that the available groups of the first coating must have reacted with (i.e., been crosslinked by) the crosslinking agent, otherwise unreacted functional groups from the crosslinking agent would not remain for bonding to the second layer (i.e., they would not remain as unreacted functional groups in the presence of available groups of the first coating to react with). Thus, Zhong et al. does not disclose or suggest having the degree of crosslinking in the first coating/layer limited to less than 5% as required by Applicant’s claims 42 and 43.

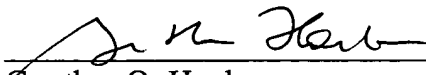
It should be noted that in the previous Response, filed April 19, 2005, Applicants inadvertently incorrectly identified claim 46, rather than claim 47, as requiring a layer of adhesive between the plasma polymerized film and the second layer (i.e., agent or polymeric layer) to adhesively bond the layers together.

Applicants wish to bring to the attention of the Patent Office the references listed on the attached PTO-1449, and request that they be considered by the Examiner. This Information Disclosure Statement is being submitted pursuant to 37 CFR 1.97(c)(2), and therefore the fee set forth in 1.17(p) is due.

In light of the above amendments and remarks, applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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